

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) **Case No.: 2:07cr12-MEF**
)
GREGORY LEWIS DAVIS)

**SECOND MOTION TO CONTINUE TRIAL AND
MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

COMES NOW the Defendant, **GREGORY LEWIS DAVIS**, by Undersigned Counsel, Donnie W. Bethel, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (h)(8)(B), and respectfully moves the Court for an Order continuing this matter from the July trial term. In support of this Motion, the Defendant would show the following:

1. Mr. Davis's case is now set for trial on July 9, 2007.
2. On June 13, 2007, the Magistrate Judge held a hearing on Mr. Davis's Motion to Suppress Evidence and Statements. Late on June 18, 2007, the Magistrate Judge issued his Report and Recommendation, in which he recommends that this Court should deny Mr. Davis's Motion.

2. Mr. Davis intends to file objections with this Court to the Magistrate Judge's Report and Recommendation. The Magistrate Judge has ordered that objections must be filed by June 26, 2007. However, Undersigned Counsel will be out of the State of Alabama from June 21 through July 4, 2007. Further, Mr. Davis has not yet received a copy of the transcript of the suppression hearing, which he must have before he can draft his objections

to the Report and Recommendation. For these reasons, Mr. Davis will be unable to file his objections by June 26, 2007.

3. Therefore, Mr Davis moves this Court to continue his trial and to grant him an extension of time until July 11, 2007, to file his objections to the Magistrate Judge's Report and Recommendation.

4. The United States, through Assistant United States Attorney Verne Speirs, does not oppose this Motion.

WHEREFORE, for the reasons set forth above, Mr. Davis moves this Court to grant his Motions.

Dated this 19th day of June, 2007.

Respectfully submitted,

s/ Donnie W. Bethel
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CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Verne H. Speirs, Esq.
Assistant U. S. Attorney
One Court Square, Suite 201
Montgomery, AL 36104

Respectfully submitted,

s/ Donnie W. Bethel
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